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## **Gendering the Extraverted State: the Politics of the Kenyan Sex Workers' Movement**

**Abstract:** The Kenyan Sex Worker movement occupies a peculiar place in Kenyan politics – it is an important partner in different programs and policies in the health sector, but individuals selling sex still disproportionately suffer from different forms of state and public violence and are often marginalised. This article argues that due to the gendered nature of the Kenyan state's extraversion processes and the resulting dual accountability to national and foreign sovereigns, the Kenyan state's approach to gender issues is inconsistent and thus produces a situation where social movements with a gender rights agenda can be both included and excluded from the national political scene. The article also explores how the sex worker movement builds on this duality of the Kenyan state when making its strategic choices about engagement with national policy bodies.

**Keywords:** gender, extraversion, Kenya, state, sex work, civil society

*“In the last decade people have been working ON us. We want them to work WITH us.”*  
(Coordinator of African Sex Worker Alliance)

Kenyan sex workers occupy a curious position within the Kenyan state. The Kenyan Sex Workers Alliance (KESWA), the Bar Hostess Empowerment and Support Programme (BHSEP), the Health Options for Young Men on HIV, AIDS and STIs (HOYMAS) and similar non-governmental organisations uniting individuals selling sex are relatively new actors that have actively engaged with different stakeholders in Kenyan politics since the early 2000s. In the context of the ongoing HIV/AIDS crisis and high inequalities, these organisations have become important partners in health projects. Still, their role in policy-making is limited and often overshadowed by the violence – police violence, as well as violence committed by clients and members of the general public – and stigmatisation that the sex worker community experiences every day. Considering the state's position towards commercial sex through law and the actions of its police force, it is indeed strange to also find that sex worker organisations are important partners in another state branch, namely the National AIDS Control Council (NACC), which is functioning under the Ministry of Health. This article will argue that such a seemingly inconsistent approach to individuals selling sex, and gender issues more widely, is a result of the dual character of the Kenyan state's accountability and its gendered nature.

Interrogating the actions of different agencies making up the Kenyan state helps to see that gender issues occupy a special position in national politics. The Kenyan state is accountable to two sovereigns (Mkandawire 2010): the citizens of the state and to international donors. Whereas such a duality of accountability works smoothly in many instances, it produces some inconsistencies in some policy areas, and gender-related issues is one such domain. In the areas where the Kenyan state depends on international donor funding and thus adopts a liberal language as part of its accountability to donors, gender related issues and organisations representing them can find some space to engage with the state. However, in areas where accountability lies mainly with the national electorate, a gender-inclusive agenda and politics

is difficult. This context presents the Kenyan sex worker movement with both an opportunity and a challenge. Being active in areas where the Kenyan state depends on donor funding, such as healthcare, for instance, allows some space for engaging with the state and achieving some of its aims. Yet at the same time, engagement is difficult in other areas, and thus the movement has to be very strategic in its actions.

This article will explore the Kenyan sex worker movement's political agenda to illustrate the duality of the Kenyan state and the inconsistencies of its agenda in relation to gender issues. It will build on interviews with Kenyan sex worker movement activists and representatives of civil society that were collected in October 2010-May 2011, and December 2015-January 2016 in Nairobi and Mombasa. The argument will be situated in the wider literature first, and will discuss sex worker organisations in Kenya before moving to the analysis of the Kenyan state's engagement with the Kenyan sex worker movement, and the movement's strategies to achieve its aims.

### **The Kenyan State, Gender and Extraversion**

This article engages with several bodies of literature when making its case. First, it examines the literature on the relations that the African state has with international donors and its own citizens, as well as the outward looking dynamics of the state. Second, the role of civil society and its interaction with the state and international actors is explored by looking at the social movement literature. Finally, a gender lens is applied to those processes to show the role that gender issues play in Kenyan politics, and to examine the space that sex workers negotiate for their collective action.

The dependency of African states on international actors is often discussed in the literature. This is due to the Euro-African nature and history of the African state that functions as a gatekeeper (Cooper 2002) and derives its sovereignty from control of relations with international actors. Bayart (2000) explores this state dependency on the international arena as an active dynamic involving African agency in maintaining the unequal status quo in the global system, and calls this process extraversion. Despite the structural constraints of the international system, Bayart posits that Africans subvert those unequal relations and turn them into a source of power at home. However, as Pommerolle (2010, 264) cautions us, this international sphere is a constituent part of national politics, and since the turn to democratization in 1990s, state elites do not hold a monopoly of such international relations. Ferguson (2007, 102) argues that in the African context, civil society has always been infused with transnational allies and has had an international reach. The recent history of Kenyan political economy points to such dependency well: be it a corruption scandal involving Kenyan political elites, or whistle-blowing members of Kenyan civil society, their activities span across the national borders and rely on the alliances both at home and abroad (Wrong 2009).

This mode of dependency in contemporary democracies results in what Mkandawire (2010) points out to be the two sovereigns that African states are accountable to: on one hand, African democracies are accountable to their own citizens, whilst on the other hand, because

of their dependency on foreign aid and support, they also should account for their actions to the citizens of the foreign donor. This duality is not easy to manoeuvre and in many ways problematic as the aims of the two constituencies can be conflicting and driven by different rationales, which also means that in some cases states tend to respond to the demands of donors more than to those of their own citizens (Mkandawire 2010, 1156). Therefore, the national politics of the state will be affected by international agendas at least to some degree, and it is important to consider international dynamics when exploring the national or even the local politics of the African state. This article will explore how such a duality of the Kenyan state is of a gendered nature, and in what ways it affects the politics of social movements with a clear gender rights agenda.

The body of literature interrogating social movements, protests and civil society, recognises the need to explore the interplay between the local, national and international influences and tensions that surround such relationships. As Larmer (2010) points out, African social movements are unavoidably hybrid in nature, adapt and use Western ideas, funding, forms of organisation and methods. Pommerolle (2010: 264) argues that using Bayart's concept of extraversion of African political spaces helps to move away from the 'sterile argument between promoters of an international civil society and those critical of the neo-colonialist grip of international actors over some protesters'. This means that social movements and collective organisation groups find themselves in a position where the state's monopoly over control of international actors was challenged and a new balance of power between international actors, ruling powers and non-state actors emerged (Pommerolle 2010 : 267). Or, as Ferguson (2007, 93) argues, a position where both the state and civil society continue to operate within a 'profoundly transnationalized global context'. Thus, civil society or social movements replicate strategies of extraversion previously used mainly by state elites, and have a dual accountability as well – to the members of the movement, as well as to donors.

Applying a gender lens to explore the dynamics of the African state, its power relations, outward-looking policies and relations with social movements reveals a masculine character to such processes. It is not only that the colonial constructions of the state which formed the basis of the contemporary African political units were masculinist and patriarchal in their nature, as they involved mainly men notably concerned with control of women (Berman 1998, 326). The colonial apparatus, inspired by the European realities of the time, institutionalised and codified gender difference by creating divides that were not necessarily important prior the colonial encounter (Arnfred 2011: 185). The example of Kenyan widows and their access to public space to express their 'worries of the heart' both during colonialism and after independence is an excellent example of such exclusion (Mutongi 2007). The (male) political leaders of newly independent African states were often performing and reinforcing different competing masculinities in their rule (Schatzberg 2001, Musila 2009). More importantly, as Rai (1996, 16) argues, the extent to which women in the post-colonial contexts are affected by the state's regulatory power is very limited, and most women are removed from the state in all its manifestations. This is so, because the state rarely provides safety networks for its female citizens – areas traditionally important for women, such as healthcare, education, childcare and employment are largely in the remit of the private sector.

Moreover, the post-colonial state being ‘weak’ and based on exclusionary social practices, many women do not become aware of many areas of state legislation, or find it difficult to access help. Finally, continues Rai, many women in post-colonial contexts encounter state power through structural violence – lack of education, economic vulnerability, poor infrastructural and social support and lack of information often leaves women to depend on their own resources. Violence also often accompanies any women who attempt to actively engage in Kenyan political life and to challenge the monopoly of male domination of political arena, as recounted by Nyabola (2016). The fact that women generally are excluded from the political arena and have a different relation to the state means that, as Tripp (2001) argues, they become important actors in the NGO sector and are well-positioned to challenge certain state practices.

Social movements and civil society traditionally are the arenas where women’s issues are aired and action is taken. Before the era of ‘NGO-isation’ (Hearn 1998), women’s groups came together to protest against injustices or oppose state violence, as in the example of Kenyan mothers of political prisoners demonstrating against Moi’s regime (Musila 2009, 53). However, most women’s movements were co-opted or repressed by one-party states before the advent of multiparty democracies (Tripp 2001). The opening of political space in the 1990s, economic crisis, the resulting state retreat from welfare provision and increasing donor interest in NGOs created the conditions for independent women’s movements and organisation. Even though these new organisations present a mixed picture with some important internal divisions and inequalities (Bouilly et al. 2016), still we see social movements and organisations as important actors in national politics. Many of the NGOs and social movements working on gender issues have important international links and disrupt established social values (for instance organisations working in the area of HIV response and focusing on same-sex sexuality), which sometimes results in state and society backlashes (Larmer 2010, 259). Moreover, social movements and organisations understand the duality of states’ accountability and thus use the formal procedures of the legal system and notions of human rights when legitimising their actions and trying to achieve their aims – extraverted political elites subscribe to the liberal order and policy requirements of international donors (Bouilly et al. 2016, 345), and thus have to respond to such actions.

The masculine nature of the African state, its distance from female citizens and the dual nature of accountability intersects in an interesting way. On one hand, the state’s strategies of extraversion are used to maintain masculine elite power, and any disruption of the gender order would not be welcomed; on the other hand, in areas where donor interest and thus power is significant, such as health or education for example, gender equality and inclusion is one of the key issues that has to be considered and addressed in order to maintain foreign funding. Furthermore, the recent turn in donor policy towards grassroots actors and non-governmental organisations (NGOs) means that states have to engage with these actors as well when manoeuvring this new balance of power.

### **Selling Sex and Organising Sex Workers in Kenya**

The informal organisation of women selling sex in Kenya is not new. White (1990) documents how women selling sex in colonial Nairobi formed different types of informal associations. For example, women who were in Nairobi temporarily to make money for their families, usually were part of ethnicity-based informal groups that took care of all the practical and logistical arrangements of transporting a woman back home in case of her death or other misfortune. Other prostitutes who lived in Nairobi permanently and who owned property, usually were part of landlord associations and were dealing with issues related to their activities as landlords. In both cases women selling sex organised on a basis other than their prostitution activities, since issues that different groups of women selling sex face depended on their income, working patterns and type of prostitution they are practicing. Kabeer et al. (2013) points out that the organisation of women in the informal sector is difficult because often women do not see their activities as labour, but rather as a livelihood, thereby making the process of common identity formation difficult. This then helps to understand why colonial Nairobi prostitutes organised as landlords, and not as a collective of women selling sex.

The situation started to change drastically in the 1980s when economic crisis coincided with the HIV/AIDS pandemic and was intensified in 1990s with the opening of the NGO scene. HIV/AIDS presented both a threat and an opportunity for women selling sex, and it is to this period that we can trace the beginnings of many contemporary sex worker movements.

First, the pandemic was a clear threat to the livelihoods and income of women selling sex. While the Kenyan government was denouncing reports of AIDS cases as alarmist and racist since the mid-1980s, women selling sex were disproportionately affected by the virus. The director of the first sex worker organisation in Kenya, who at the time was working in a family bar on the outskirts of Nairobi, recounts that the early 1990s was a scary time – women selling sex were suddenly dying in large numbers and nobody could understand why or explain the reasons behind this (Interview 4, Nairobi, May 2011). There were a lot of rumours about HIV/AIDS, but it was difficult to know the truth because there was no official information from the government. It is at this time that women selling sex came together and started discussing issues linked to health and violence. President Moi declaring HIV/AIDS a national disaster in 1999 signalled the beginning of the HIV/AIDS industry in Kenya – since the Kenyan state healthcare system was not capable of dealing with the disaster because of financial limitations, the void was filled by a number of (international) NGOs. Efforts to fight the spread of HIV were definitely key in a successful reversal of the pandemics in the country, but they were also problematic for women selling sex. Organisations responding to the pandemics initially focused on changing what was considered to be harmful sexual conduct and focused their efforts on several identified ‘high risk’ groups – prostitutes, truck drivers and young people. This meant that women selling sex started being associated with disease and constructed as a problem, or a vector of disease in public discourse, which further increased the stigmatization of this social group and the violence that came from state agencies like the police force.

The second consequence of the HIV/AIDS pandemic is the opportunities that the unfortunate positioning of sex workers as a problem to be solved provided. International NGOs, projects

and programs aimed at African populations, came with a new infrastructure surrounding the HIV industry – testing, research, treatment, and medical as well as social support. In the context of post-adjustment precarity, the HIV industry provided vulnerable populations with opportunities to get free medical treatment, to get help with their children's school fees and others. Furthermore, as a result of Elizabeth Ngugi's (from Kenya Voluntary Women's Rehabilitation Centre) efforts and professional experience in public health, sex workers and their issues – previously a taboo in Kenya – became part of the public health agenda and programs of the Kenyan National AIDS Control Council, World Bank, UNAIDS and others (Harman 2011, 218). As the literature of African people navigating the HIV/AIDS industry for their own advantage and adopting the 'required' identities that allow them to engage with international actors and further their own aims shows, such opportunities were noticed and used by vulnerable populations (Beckmann and Bujra 2010, Boesten 2011, Cesnulyte 2015). Of course, not all vulnerable individuals can engage with the NGO sector in the same way – urban, literate and not the poorest segments of vulnerable populations generally manage this navigation much better than rural, illiterate and the poorest, even though there are notable exceptions.

Individuals selling sex became a focus of many organisations engaged in the fight against HIV spread, and many NGOs were working with people selling sex in early 2000s – testing and treating them from sexually transmitted diseases, educating them about safe sex, and offering them training to exit commercial sex through alternative professions. Sex worker engagement with the NGO sector also meant that both men and women selling sex found a platform where they could come together, interact and discuss key issues affecting their lives besides HIV, such as violence for example, which is undoubtedly an important stepping stone in sex worker organisation and their movement.

It is in this context that the first Africa-wide conference for sex workers was organised by the Sex Workers Education and Advocacy Taskforce (SWEAT) in Cape Town, South Africa. Organisations providing services to people selling sex reached out to contact potential attendees, but the identity of sex worker was still not widespread, and as one of the conference attendees pointed out, 'not even all sex workers present identified as sex workers, they were just people going to the conference' (Interview 2, Nairobi, January 2016). The conference provided space for individuals selling sex to share their experiences, and this emotional and moving moment fuelled the sex worker organisation in different African countries. As a result of this gathering, the African Sex Worker Alliance (ASWA) was launched as part of SWEAT's programs in 2009, and the Kenyan Sex Workers Alliance (KESWA) was the first national sex workers organisation to be formed in 2010.

KESWA united sex worker organisations that already existed (BHESP, KASH, Survivors, HOYMAS) and many newly formed sex worker-led groups under its umbrella. In December 2016 it had 75 male, female and transgender sex worker-led groups and organisations from 38 (out of 47) Kenyan counties as members, and its main focus is in the areas of policy, advocacy, capacity building and sensitisation about sex worker health and human rights, as well as acting as a single amplified voice when speaking on sex worker rights (Interview 3, Nairobi, January 2016). The movement clearly frames sex work as a type of work as its focus

on decriminalisation of commercial sex shows. However, KESWA, unlike its South African counterpart Sisonke, does not build links with trade unions or other worker organisations (for more see Mgbako 2016). The key aims of the movement are decriminalisation of sex work in Kenya, continuing capacity building of sex workers and advocacy for their rights, as well as safer and better access to healthcare for sex worker populations. In this way the movement adopts a dual identity – ‘the message that we send is that it is both labour and human rights movement, perhaps human rights is the main identity for us’ (Interview 2, Nairobi, January 2016).

### **KESWA Engagement with the State**

KESWA’s establishment was an important first step in uniting the sex worker community in Kenya, however, in order to be recognised as a community, as a movement with specific issues and suffering from injustices, it needed to find its space in social and political arena. What is more, uniting a great diversity of groups (formal and informal, urban and rural, male, female and transgender, bar workers, strip-dancers and independent operators) meant that the movement had to find a common ground among its diverse members and their needs.

KESWA’s national coordinator, who took the leadership of the movement in 2012, started a process of needs assessment of the movement. As she recounts, the Open Society Initiative for Eastern Africa provided funds for this exercise, and thus she, with a help of a consultant and sex worker volunteers, travelled to different counties in Kenya and had interviews with male, female and trans sex workers, both organised formally and coming together informally, in order to determine the key challenges and expectations that the sex worker community had of KESWA as a movement (Interview 3, Nairobi, January 2016). The report (Kamau 2014) mapped out key issues, partners and strategies, as well as organisational structures and directions for development. The second report, which came out at a similar time and was an initiative of the East African Sexual Health and Rights Initiative focused on challenges and strategies for change of KESWA (Kinyili 2014). Both reports arrived to similar conclusions and emphasised that the key challenges of the movement and individuals selling sex in general, are linked to: (1) violence (especially police violence and arbitrary arrests), (2) discriminatory laws, (3) health needs, and (4) stigma and discrimination in general. The key issues being linked to violence, law and health needs meant that bringing about change requires engagement with the state at different levels (legislative powers at national and county levels, Ministries of Interior and Health among others). Sex worker engagement with the state is never an easy process because of the stigmatisation of people selling sex, but in the case of KESWA, additional challenges are presented by the state’s inconsistent approach to the sex worker population and wider gender issues, which is a result of, as I will argue, the Kenyan state’s dual accountability to two different sovereigns – citizens of Kenya and citizens of (mainly Western) donor countries.

### ***“Reason you are here is because of HIV”***

The Kenyan sex worker community is part of the intra-institutional efforts to combat HIV/AIDS in the country, and several sex worker activists sit on different national and



international boards of organisations or associations related to the disease. This inclusion of the sex worker community in state activities is largely a result of the extraverted nature of Kenyan state, and its accountability to the foreign donors.

The Kenyan government's response to the HIV pandemic was influenced by the context of the debt crisis and resulting financial constraints of the country. First, some government officials were worried that too much attention to HIV/AIDS would have bad consequences for Kenya's reputation as an attractive tourist destination. Second, the Kenyan healthcare system was already overburdened and the government had no means to increase its spending. President Moi declared HIV a national disaster only in 1999 and signed a law establishing the National AIDS Control Council (NACC) later that year. Establishment of the NACC is directly related to the World Bank's Multi-Country AIDS Program that provided funds to any country in Sub-Saharan Africa with a high HIV seroprevalence rate in the early 2000s. In order to access the funds, countries had to commit to present a national strategic plan to fight HIV and AIDS, establish a national coordinating body to supervise a 'multi-sectoral' response, commit to directing up to 60 per cent of funds to the CSOs and agree to use multiple implementation agencies (national NGOs and community groups) (Harman 2009, 355). The way the HIV response functioned and its institutional architecture reflected the World Bank's ideas of accountability and legitimacy, even if it presented certain problems – it was apolitical and ahistorical, it ignored pre-existing institutional structures, such as the Ministry of Health for example, and brought together actors who traditionally are suspicious of one another – state agencies and CSOs (Harman 2009 : 362-3).

The Kenyan HIV response is important for this article in several respects. First, it can be seen as a strategy of extraversion, when unequal power relations are used by the Kenyan government to access funding that would support their power at home. Second, access to funds meant that the Kenyan government became accountable to the World Bank and thus had to subscribe to the notions and working principles as articulated by Western liberal ideas – engaging with civil society being one of the most important requirements.

The effective HIV response meant that different communities previously marginalised in society became targets of the HIV programs and their leading organisations found the space to engage with selected state institutions. For the sex worker community it meant that several well-established sex worker organisations became important actors in public consultation processes and participated to some extent in determining some national policies. For instance, the director of BHESP is part of the technical working groups for key populations at the NACC and has been involved in the development of various policies representing sex workers in the consultations of the NACC's strategic plans. She also is active internationally and is part of the advisory committee of the WHO, where she has been involved in drafting guidelines for HIV prevention for sex workers and their clients in low and middle income countries. Smaller and mainly informal sex worker groups usually are in touch with established ones or KESWA and thus do not engage with state institutions directly. Still, they felt that such representation responds to their needs (Interview 7, Nairobi, January 2016). Because gender equality and inclusion are important liberal values popular with Western donors, the sex worker movement can claim some success when engaging with state agencies

that are accountable to the Western donor community, like the HIV response, for instance. However, as the next section will show, engagement with the state is much more difficult in the areas where the state does not have accountability to donors.

Such tensions can be observed in the events organised by the NACC and aimed at inclusion. For example, the Training for Trainers on Violence Prevention for Key Populations through Rights Responsive Law Enforcement, which was organised by the NACC (Observation, Nairobi, January 2016) featured representatives of different sex worker organisations (male and female), intravenous drug users, and men having sex with men (MSM), as well as police officers who were selected as future trainers among their police peers, and NACC officials from different counties. The training aimed to popularise human rights and right responsive law enforcement, as well as support dialogue between key populations and police forces. Still, the police officer representing the Police AIDS Control Unit, was clear about the ambiguity of the situation in his opening speech : ‘to us sex work is a crime, a crime against the law’ and warned participants of the training that even though they all have rights, dignity is also important. The representative of the NACC who spoke just after, made the point even clearer – after reiterating the need to build the strength of both police and civil society, he emphasised that ‘reason you are here is because of HIV’. So HIV response efforts and the fact that such programs are accountable to the international donors meant sex worker inclusion in some state activities and opened the space for a dialogue on the issues of human rights, gender and sexuality. However, such engagement is successful and possible mainly in the areas where the state depends on foreign donor funding and thus has to respond to the foreign sovereign.

In the areas where the Kenyan state’s accountability lies largely with the national electorate, the sex worker movement’s engagement is difficult. The Kenyan Penal Code describes specific circumstances under which one can be found guilty of an offence in relation to prostitution and criminalises living on earnings of prostitution, soliciting, pimping and running a brothel (the Penal Code articles 153, 154, 155 and 156; the Sexual Offences Act 2006, articles 15, 17 and 19). Therefore, it is activities surrounding the sale of sex rather than sale of sex itself that is criminalised by the national law; however, the popular understanding that selling sex is criminal prevails not only among the general population, but also among law enforcement officers (Kinyili 2014, 6). In 2012, in response to the growing issue of street harassment in Nairobi, KESWA representatives arranged a meeting with the Mayor of Nairobi, George Aladwa. The meeting with the mayor was seen as an opportunity by the movement, because it was just a year before the 2013 general elections and politicians were worried about votes (Interview 2, Nairobi, January 2016). The meeting went well with the mayor listening to the issues affecting the sex worker population, and as a result of the meeting Aladwa announced that he is to review by-laws of Nairobi so that sex workers could continue their trade with no harassment from the council officers in designated areas (Ngirachu 2012). However, due to a big backlash in society, the mayor completely changed his position within few hours after announcing the news: ‘there are laws to be followed. No Prostitution. No gayism. Everything remains the same. Do your business outside the town. All those carrying out prostitution, we will catch up with you” (Wekesa 2012). Direct

engagement with representatives of the state in areas outside of the health sector remains difficult and KESWA does not have big success stories to share in this area. Sex worker activists mentioned that MPs representing slum areas or poor constituencies are interested in sex worker issues before the elections as they are looking for voters, but none of them were willing to stand up for such ‘controversial’ issues publicly as such a stance is deemed unpopular with Kenyan voters.

The Kenyan legal and justice systems are another area where sex worker engagement with the state is not very successful. Sex workers reported that police officers did not always respond to sex worker reports of violence by following official procedures, with the explanation of sex work being a criminal offence given as a reason for that (Kinyili 2014). An illustrative example of this neglect is the series of sex worker murders that were committed in 2015 (four in Nakuru and seven in other towns around) and the slow police response to the crimes. Only after sex workers organised protests, was one person arrested for those crimes. Such a disregard to the sex worker community is the result of prevailing ideas about sex work in the public discourse, as well as the state’s ambiguous position with regards to gender. Gender equality is part of the new Constitution of 2010, and selling sex itself is technically not illegal in the country; still, sex worker organisations cannot register as sex worker organisations with the state, as the term of ‘sex worker’ is not allowed by official authorities (Interviews 3, 6, Nairobi, January 2016). KESWA is registered with an acronym as its name and ‘key populations’ as the target group and BHESP is registered as a group working with HIV positive people, for example.

The Kenyan state has an inconsistent approach to sex work and ideas regarding gender. This inconsistency is born out of the dual character and accountabilities of the state. Gender equality and engagement with sex worker groups is possible in those areas where the state has foreign donor constituents to account for and thus attempts to follow liberal values of equality and civil society inclusion – in the response to HIV for instance. However, in areas where accountability lies predominantly with Kenyan constituents, sex workers find it difficult to engage with state and its institutions, and stigmatization, as well as structural violence related to unequal gender power, prevail.

### **KESWA Strategies for Change: “We do not like to ruffle the waters”**

This section will turn to KESWA’s strategies to explore how it positions itself in relation to the dual Kenyan state, and how it aims to achieve its aims. Early attempts to engage with Kenyan politicians directly yielded few results as can be seen from the episode with mayor Aladwa described above, or other similar encounters with MPs or local politicians (Interview 5, Nairobi, December 2015). Understanding the dual nature of the Kenyan state and its position in the transnational order, KESWA’s strategies to challenge the status quo do not rely on direct confrontation with the Kenyan state. KESWA, like other informal worker movements, cannot capitalise on being strategically located in the economy, so it employs a range of ‘soft power’ actions to achieve its aims: discursive practices, politics of information and legal actions (Kabeer et al. 2013, 16-24). Actions in each of those categories are

strategically planned to achieve decriminalisation, reduction of stigma and violence that surrounds people selling sex.

One of the first tasks for the movement was increasing the visibility of sex workers and the movement. The visibility of the movement continues to be important for several reasons. First, it was a big part of community building among people selling sex in Kenya. KESWA aims to represent variety of voices from different communities that do not necessarily see each other as suffering from similar issues. Having a visible sex worker movement is important in common sex worker identity building, outreach and the movement's base formation. Second, increased visibility is important for the sex worker movement to be taken seriously as a collective voice of people selling sex by Kenyan institutions and civil society. Finally, a visible movement that uses internationally recognisable language and presents a recognisable discourse is important for the international recognition among different multinational actors. To increase sex worker visibility, KESWA engaged in politics of information and discourse shaping.

Information spread and highly visible forms of activism are the main tools the movement is using to shape the discourses surrounding sex work. One of the first events organised by the movement was a sex worker march to mark the 17<sup>th</sup> of December, the International Day to End Violence against Sex Workers, in 2010. The event not only attracted more than 2000 sex workers instead of the 500 expected, but also was widely reported across different media outlets (both nationally and internationally) and gave the opportunity for sex worker activists to explain their agenda on popular national TV and radio channels. Now the march is an annual event, it expanded to other cities beyond Nairobi, and sex worker activists are happy to report that media outlets increasingly use the term of sex worker instead of prostitute when referring to people selling sex. This discursive shift is of course the result of a much broader range of activities than just marches or interviews in the media, it is also linked to the practical support that is aimed at the individuals selling sex, such as health service providers for example (Cesnulyte 2015). Still, sex worker activists' efforts in voicing sex workers issues in the public domain and so increasing the movement's visibility is an important part of KESWA's strategy to deal with sex worker issues. Another example here is sex worker protests after serial murders targeting their community, for instance, in 2010 in Thika, or in 2012 in Mombasa and Thika, as well as in 2015 in Nakuru. After each of those killing sprees the sex worker community organised protests asking the police to start treating the sex worker population as the rest of Kenyans. Whereas in the beginning the protests and marches were organised by leading sex worker activists, recent marches and protests are initiated by local sex worker groups under the KESWA umbrella, and definitely makes a sex worker voice heard. As the coordinator of KESWA emphasises:

*If we shout in one place they [government and society] will not hear us, if somebody shouts from another place, nobody will hear them, but if we get shouting from different places, then people will know that this is a serious situation.*

This shouting from different places is further facilitated by modern technologies – KESWA members are linked via a Whatsapp group on their phones, where they have a space to share

their issues and this helps to organise and coordinate events. In the protests following the Nakuru murders, sex worker groups from neighbouring counties organised to join the Nakuru protests in solidarity as a result of such coordination.

Information distribution is also important for the movement itself, as it strengthens the common identity of sex worker among different groups, and thus makes sex worker solidarity possible. For example, the screening of a documentary on MSM population in the waiting room of a female sex worker clinic in Nairobi may cause some giggles among women waiting for their check-ups, but it also opens space for conversations about common experiences of violence and stigmatization (Observation, December 2015). Such a spread of information and promotion of sex worker identity results in sex worker community building.

The emphasis by KESWA on participatory decision making is typical of post-2000 African social movements. Dwyer and Zeilig (2012, 148) argue that such a way of organising movements is a response to top-down economic liberalisation. Whereas opposing top-down decision making structures might definitely push civil society actors to act in a more democratic way, a grass-root based, bottom-up structure is probably the only structure that makes social movements of marginalised groups in African societies possible and legitimate. KESWA's aims are based on the needs assessment of the movement's members, and different procedures are established to ensure that the KESWA board remains accountable and transparent in its actions. The movement also has its own training program on human rights that ensures that different local groups have enough knowledge and capacity to act as local leaders. Moreover, an accountable, transparent movement that internalises democratic norms and promotes active citizenship and human rights can certainly be seen as a good partner by international actors and donors. Considering the dual nature of accountability, such structures and behaviour that are in line with liberal norms, can also result in gaining some political space with the Kenyan state. For this reason KESWA encourages sex workers to refer to legal procedures when encountering injustices and discrimination.

KESWA's expansion and strengthening of the local base is an important part of its decriminalization strategy. Having members in all the local counties is important for data collection and the strategic litigation process that is being currently planned. Local groups of sex workers are being trained on how to document their experiences of violence and human rights violations, and this documentation is planned to be used in the strategic litigation to repel laws criminalizing activities associated with commercial sex, as they violate the Bill of Rights. The ongoing legal reforms that are linked to the 2010 Constitution and the devolution process present a good opportunity for such litigation to succeed (Kinyili 2014, 13). A planned strategic litigation process is important in several respects. First, it allows sex workers to invoke the power of the state to uphold the rights that have been granted to them as citizens. Second, strategic litigation is planned in cooperation with other civil society actors and will be supported by female lawyers making it a wider gender issue (Interview 3, Nairobi, January 2016). Third, such a legal approach is following the democratic procedures that the Kenyan state has established and should be following.

The recognition of the dual nature of the Kenyan state's accountability is also clear in the third strategy of the sex worker movement – strategic partnerships with international actors. While cooperation with important institutions and organisations in Kenya no doubt are crucial for KESWA, engagement with international actors allows the movement to form alliances that have the power to influence policy-makers in Kenya. In other words, even though the struggle is national and the main aim is to fight for sex worker rights in Kenya, alliances are made with powerful international actors in the hope that it is through such cooperation that the power balance at home would shift. The main areas for such opportunities for partnerships are healthcare, law and women's movements. Global healthcare being the biggest opportunity is of no surprise, because it was the ongoing HIV/AIDS pandemic that brought the sex worker population to the attention of international donors. As a result, the coordinator of ASWA sits on the UNAIDS steering committee, the coordinator of KESWA – sits on the board of the Global Network of People Living with HIV. Different sex worker activists are involved in different capacities with the Global Fund, a variety of UN agencies and other major donors in the region. Partnerships involving the UN is seen as the most strategic by the movement, since the UN is a technical partner of the Kenyan government, and thus their recommendations have influence on national policies (Interview 2, Nairobi, January 2016).

Due to the controversies regarding sex work, forming alliances with donors and accessing different funds is not an easy task for the sex worker movement. For instance, because of the anti-prostitution clause of USAID (since 2003 all the foreign NGOs receiving federal US funds for anti-HIV/AIDS programs are required to adopt organisation-wide policies opposing prostitution), sex workers cannot access the biggest source of funds devoted to the HIV fight despite representing one of the most vulnerable population groups. Refusing to engage with USAID is a strategic choice which is necessary to maintain the integrity of the movement (Interview 1, Nairobi May 2011). Both ASWA and KESWA are political movements, therefore, they engage with partners that support their political agenda of empowerment and human rights. Thus, international sex worker organisations such as the Global Network of Sex Worker Projects and the Red Umbrella Fund are important partners, but organisations like the Open Society Foundation, UHAI and Wa Mama Africa also support the sex worker movement in important ways. These international partnerships help the movement to access funding, but also help with training and other day-to day support for sex worker issues. More importantly, alliances with important international bodies offer channels to influence national policy without confronting the Kenyan state. This is the reason why sex worker activists are clear that their political agenda aims for decriminalisation, but this is done while building on small things and in strategic ways. Ruffling the waters with the patriarchal Kenyan state might not be the most productive course of action.

KESWA's strategy is multi-faceted and clearly acknowledges the duality of the Kenyan state. Even though the target of their actions is the national government, the strategy of achieving national change relies on soft power and international alliances instead of direct confrontation. The Kenyan sex worker movement illustrates how building on its social

capital, the movement can access the international arena and so find its space in the national politics, even if to a very limited degree.

## Conclusions

Understanding the dual nature of the Kenyan state's accountability and its strategies of extraversion through a gender lens is crucial when explaining the paradox of the Kenyan sex worker movement being both included in national politics, and being constantly marginalised by state institutions. The Kenyan state, with its inherited patriarchal structures in place, is reluctant to open political space for any actors that disrupt its (male) power. Yet, it has to engage with gender equality in the areas where it is accountable to international donors, such as healthcare provision, for instance. Such a situation means that the Kenyan state has an inconsistent stance when it comes to gender equality, and thus the political space for a social movement with an explicit gender rights agenda, such as KESWA, is limited.

Achieving the key aims of violence reduction, access to healthcare and reduction of stigma surrounding commercial sex needs successful engagement with the state, and thus KESWA is highly strategic when pushing forwards its political agenda. On the one hand sex worker activists are present in the national spaces where their inclusion is possible (media, HIV programs, etc.), as this helps to shift the discourse and solidify their power base. On the other hand, strategic international and national alliances are formed with the good knowledge that in a context of dual accountability, some international actors have power to influence the Kenyan state's decisions in certain policy areas. Finally, KESWA embraces democratic liberal norms not only to be a legitimate social movement representing the marginalised voices, but also in the hope that the legal procedures of a newly democratised Kenya could work to their advantage.

The politics of KESWA and its engagement with the state illustrates the gendered nature of the extraversion process. It also disrupts the ideas regarding the power and agency of the international actors, African states and African social movements, since ultimately the processes of these actors' engagement are complex, multi-layered and constantly re-negotiated. Finally, the paradox of KESWA's place in Kenyan politics points to the fact that gender issues still remain a troubled area in Kenyan politics.

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